

Bartus, Dave

From: Bartus, Dave
Sent: Friday, November 22, 2013 11:27 AM
To: 'Lowe, Steven (ECY)'; Graber, Kerry (ECY)
Cc: Skinnarland, Ron (ECY); Singleton, Deborah (ECY); McArthur, Lisa; Boyd, Andrew; Schanilec, Kevin
Subject: RE: Question re. Permitting of Areas Used for Temporary Waste Placement

Thanks, Steve, for this summary.

To start, I'll make reference to the EPA comments on the CWC permit chapter Addendum C and the corresponding conceptual resolution of these various comments.

There are a couple of themes in these comments. First, any areas where containers are "managed" subsequent to a point of generation and any accumulation in a satellite or generator accumulation (<90 day) area constitutes storage and must be authorized through the permit (at Hanford, this includes units with explicit permit conditions and units legitimately operating under Permit Condition I.A.1). The only exception to this is the provisions of WAC !73-303-395(4), which on the face of it, applies to facilities that receive or ship manifested loads of liquid dangerous wastes. So, this notion that "temporary placement of waste" can occur in other than permitted storage areas has no basis in the regulations. Second, the draft permit suggests that these areas for "temporary placement of waste" are inherently necessary based on existing waste management activities. See, for example, the discussion in Section C.1.4 in the CWC permit chapter of the draft permit. EPA has provided specific comments on the validity of these proposed justifications for temporary placement of containers outside of dangerous waste management units, both with respect to the draft permit and earlier versions of permit application and permit addendum language.

I completely agree with your concerns regarding the length of storage. While it is conceptually possible to have modified standards (less stringent standards) for wastes that remain in these temporary areas for shorter amounts of time, I think there are two fundamental problems in doing so. First, how would the time that a container remains in a temporary storage area be tracked and enforced? It seems to me that the overhead for this would be substantial, and probably take as much time as the containers would remain in temporary storage. Second, this temporary storage is "high risk," in the sense that accidents are most likely to happen when containers are being moved in and out, not while they are simply passively being stored. On this grounds, I would argue that it is absolutely essential that both unit and management standards be at least as robust as the "traditional" storage units from which wastes are being moved. Quite honestly, my personal (if not EPA) perspective is more focus needs to be placed on sound, robust and defensible management standards rather than finding ways to avoid them through concepts such as temporary storage, load/unload areas. Any consideration of these special circumstances really needs to be based on a comprehensive need to critically review the entire waste management pathway, both to ensure there is a defensible basis technically and under the rules for exceptions, and to figure out what sort of risks need to be addressed.

Finally, I would raise the question of how Ecology is going to address elements of the EPA CAFO Part A submissions.

These Part A forms identify a number of additional dangerous waste management units other than those subject to closure pursuant to the EPA CAFO. Ecology needs to clearly document what effect inclusion of the submitted Part A forms into Addendum A of the new permit chapters where the EPA CAFO closure plans will reside will have on dangerous waste management units identified in the Part A forms other than the closing dangerous waste management units. Quite frankly, there does not seem any clear rationale or regulatory basis to include Part A forms addressing units otherwise operating pursuant to Permit Condition I.A.1 into the permit – if nothing else, this is a complete departure from the long-standing practice of keeping documentation of units authorized under Permit Condition I.A.1 outside of the permit. Doing so in this instance will create a significant inconsistency in how Permit Condition I.A.1 is interpreted and applied, adding even further confusion as to how this condition is interpreted and applied. One thing EPA can say for certain is that the Part A submissions under the EPA CAFO do NOT constitute a change under interim status (which might be permissible under the NWP's Hanford Interim Status Policy, should this policy be interpreted to allow creation

of new dangerous waste management units at Hanford as a change under interim status), nor a permit modification request to create new dangerous waste management units (such as a temporary placement area NOT contiguous with a dangerous waste management units operating under Permit Condition I.A.1.

I would note that it is my understanding that during EPA/DOE-RL CAFO negotiations that EPA did indicate that where there are load/unload areas immediately adjacent to existing dangerous waste management units operating under Permit Condition I.A.1 (legal units), to the extent that there is uncertainty in the exact extent of the dangerous waste management units, update to the corresponding section of Part A of the permit application is an acceptable means of clarifying the physical extent of each dangerous waste management unit. EPA did NOT say that new dangerous waste management units could receive authorization by simply identifying them in a revised Part A form submittal.

I did see Kerry's response as I was drafting this, and generally agree with all of her points. I didn't do a side-by-side comparison of our respective responses, so to the extent that there may be unresolved questions, I'd be more than happy to further engage in the discussions via e-mail, or via a conference call.

Bottom line: Staging/temporary storage areas need to be clearly documented and authorized subject to robust permit requirements.

Dave

From: Lowe, Steven (ECY) [mailto:slow461@ECY.WA.GOV]
Sent: Friday, November 22, 2013 8:00 AM
To: Graber, Kerry (ECY); Bartus, Dave
Cc: Skinnarland, Ron (ECY); Singleton, Deborah (ECY)
Subject: Question re. Permitting of Areas Used for Temporary Waste Placement
Importance: High

Kerry and Dave,

I'm looking for a "company position" from both of you please.

We are reviewing the revised Part A forms for the SWOC facilities that were submitted with the EPA CAFO closure plans. In going over comments with DOE and their contractor yesterday, a question came up regarding the permitting of areas used for the temporary placement of waste. For the SWOC facilities, these areas are all outside and include uncovered asphalt areas used for loading and unloading waste, and for setting waste containers which are waiting to be processed or simply need to be out of the way while performing other operations. Some of these areas are NOT contiguous to a waste management unit. The revised SWOC Part A forms now show these areas as permitted container storage areas (S01 process code). My objection is that implies the waste may be there longer than just temporarily and opens the door for long-term outdoor storage of containers whose contents may be uncertain (particularly in light of the unexpected drum leaks on 11/14 and 11/22). DOE insists they received verbal guidance from EPA Legal to the effect that they were told these were considered to be container storage areas. As this was undocumented, my management in all their wisdom(?) tasked me with trying to substantiate it.

The updated Ecology Publication 95-402 (dated October 2013) on preparing permit applications seems to refer to these as "staging areas" and distinct from "storage areas". You can see the excerpts I've attached below. I happen to prefer the staging areas term and its connotation, but it doesn't appear to be captured in the regs anywhere.

So given all that, do we have a position on the use of these areas and how they should be permitted? Are these indeed container storage areas? If so, it would seem to behoove us to establish limits on their design and use by way of permit conditions. Perhaps these conditions could take the form of providing secondary containment, a 24 hr time limit or to the end of the shift or even always having someone be present, and daily inspections when in use. Whatever is acceptable to HWTR and EPA I'm happy to go with.

Thank you very much,

Steve Lowe, PE
Washington State Department of Ecology
Nuclear Waste Program
3100 Port of Benton Blvd
Richland, WA 99354-1670
(509) 372-7894 [office]
(509) 521-0559 [cell]
slow461@ecy.wa.gov

Ecology Publication 95-402

Section D2.2

Traffic flow and staging areas

Describe equipment, procedures, and routes for transferring containers to and between storage units and for moving and managing waste containers within units. Also describe areas used to prepare containers for placement into storage or into a treatment or recycling process (sometimes called **staging areas**).

[Note: **staging areas** must be designed and maintained to the same standards as storage areas.]

Capacity

Provide the maximum number, volume (i.e., capacity), and stacking height of containers for each area in which containers are stored or staged and indicate the volume of the largest container that will be held in the area. For **staging areas**, describe time limits (usually, no more than 24 hours) for holding containers in the area. Provide a diagram (or diagrams) or description showing the stacking pattern(s) for containers, including the stacking arrangements for the various sizes of containers and types of dangerous wastes that will be stored in the container storage area(s).

Section D2.4.2

Provide design and profile drawings of the existing and/or planned container storage and **staging area(s)**, showing the secondary containment system(s). Include design parameters, dimensions, and materials of construction.

Section F2.1

Areas subject to spills such as load/unloading areas, transferring area, **staging areas**, storage areas, processing areas and treatment areas must be inspected daily when in use.